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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9 **AT TACOMA**

10 CHARLES VINCENT REED,

11 Plaintiff,

12 v.

13 STATE OF WASHINGTON, et al.,

14 Defendants.

NO. C10-5146 BHS/KLS

ORDER GRANTING PLAINTIFF'S
MOTION TO AMEND AND
DIRECTING PLAINTIFF TO SUBMIT
COMPLETE AMENDED
COMPLAINT

15 Before the court is Plaintiff's motion to amend his complaint. Dkt. 9. Defendants
16 have filed their answer to the original complaint. Dkt. 8. Defendants filed no opposition to
17 Plaintiff's motion to amend.

18 *DISCUSSION*

19 Pursuant to Federal Rule of Civil Procedure ("Fed. R. Civ. P.") 15(a), "[a] party may
20 amend the party's pleading once as a matter of course at any time before a responsive pleading
21 is served." Otherwise, the party "may amend the party's pleading only by leave of court or by
22 written consent of the adverse party." *Id.* Leave to amend "shall be freely given when justice
23 so requires," and "this policy is to be applied with extreme liberality." *Id.*; *Morongo Band of*
24 *Mission Indians v. Rose*, 893 F.2d 1074, 1079 (9th Cir. 1990). After a responsive pleading has
25 been filed, "leave to amend should be granted unless amendment would cause prejudice to the
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1 opposing party, is sought in bad faith, is futile, or creates undue delay.” *Martinez v. Newport*
2 *Beach City*, 125 F.3d 777, 786 (9th Cir. 1997).

3 Plaintiff proposes to amend his complaint to withdraw the State of Washington as a
4 defendant. He proposes no other changes to the complaint. Dkt. 9, p. 2. Attached to his
5 motion to amend is the first page of an “Amended Complaint,” reflecting the change in
6 parties. Dkt. 9-2.

7 Plaintiff served Defendants with the motion and proposed complaint. Dkt. 9-3.
8 Defendants filed no opposition to the proposed complaint. There is no evidence that the
9 proposed amendment will cause prejudice to the Defendants, that it is sought in bad faith, is
10 futile, or will create undue delay. However, Plaintiff is advised that an amended complaint
11 operates as a complete substitute for (rather than a mere supplement to) the present complaint.
12 In other words, an amended complaint supersedes the original in its entirety, making the
13 original as if it never existed. Therefore, reference to another document is not an acceptable
14 amendment. Plaintiff must include all of his factual allegations, legal claims, exhibits and
15 requests for relief in an amended complaint before this case can proceed on the amended
16 complaint.

17 Accordingly, it is **ORDERED** that Plaintiff’s motion to amend his complaint (Dkt. 9)
18 is **GRANTED**. Plaintiff shall file his amended complaint, setting forth all of his factual
19 claims, causes of action, claims for relief, and any exhibits, on or before **July 16, 2010**. The
20 Clerk is directed to send Plaintiff the appropriate forms so that he may file an amended
21 complaint.

22 DATED this 21st day of June, 2010.

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25 Karen L. Strombom
26 United States Magistrate Judge